

MEETING MINUTES
Board of Mental Health Practice
March 3, 2017

These minutes were approved by
the Board on May 12, 2017

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, at 9:05 a.m. in Lower Level Room A, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Dale Battleson Chante Chambers Susan Feyen William Gaughan Terrance Moore Sarita Ruma	Chair Member Vice Chair Member Member Member
Members Absent:	Thomas Maxson L. Janeen Gill	Member (arrived 9:07 a.m.) Member (arrived 9:24 a.m.)
Others Present:	Kris Chiles Nancy Herdman Mindy Lester Larry Wiehn Mark Meyerson Carla Cue Dennis Scott Ann Harrison	Program Manager, Licensure Unit Health Licensing Coordinator Assistant Attorney General Investigator Investigator Investigator Investigator Compliance Monitor

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Ruma moved, seconded by Chambers, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Absent: Gill, Maxson (2). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (1-6-17)

MOTION: Gaughan moved, seconded by Moore, to approve the minutes of 1-6-17. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Absent: Gill, Maxson (2). Abstain: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

9:07 a.m. - Maxson entered meeting

MOTION: Ruma moved, seconded by Gaughan, to enter into closed session at 9:07 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Gill (1). Motion carried.

9:24 a.m. - Gill entered meeting
9:12 a.m. - Scott departed meeting
9:49 a.m. - Harrison departed meeting
9:54 a.m. - Harrison entered meeting
10:03 a.m. - Cue, Meyerson, and Wiehn departed meeting
10:15 a.m. - Harrison departed meeting

MOTION: Gaughan moved, seconded by Ruma, to enter into open session at 10:55 a.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma, (8). Voting nay: None (0). Absent: None (0). Motion carried.

10:55 a.m. - Break

11:14 a.m. - Meeting resumed
Teresa Hampton, Department attorney, entered meeting
3 public persons entered the meeting

Moved to agenda item 6.

6. REGULATIONS: REVIEW, DISCUSSION AND SUGGESTED CHANGES TO 172 NAC 94

Anne Buettner, Legislative Chair, NAMFT, presented a letter discussing changes NAMFT would like made in the regulations. Those changes include:

- Under 014.02 Unprofessional Conduct, the words “the ethics of the profession” be substituted with “the Code of Ethics of American Association for Marriage and Family Therapy, National Association of Social Workers, and American Counselor Association.”
- Under 014.02(C) Discrimination, “sexual orientation and gender identity” be added.
- Under 014.02(G) Referral, eliminate the default generic referral that is not specific to appropriate care and “or to a list of or directory of credential holders.”
- Under 002.23(B) (2) Qualified Supervisor, add language to the end of the sentence of “has received at least supervision of supervision by an AAMFT approved supervisor one hour per month for at least one year.”

Mary Sullivan read a leader by Terry Werner, Executive Director, NASW. Areas of concern:

- Under 014.02C Discrimination, include “gender identity” and sexual “orientation.”
- Under 014.02G Referrals, opposes using a list or directory of credential holders.
- Requested that for provisionally licensed and practicum students that meetings such as staff meetings and contacts with school and judicial systems be counted as direct hours.
- Encouraged the Board to write regulations that best protect the public.

A document from Amy Miller of the ACLU was distributed to the Board.

The Board reviewed the following areas of the regulations:

014.02C Discrimination – Feyen asked if the employment bill would affect the regulations and Hampton responded that she did not know. Battleson stated he felt sexual orientation and gender identity needed to be included under this area. Maxson commented that this was the section that did not allow the regulations to move forward before.

MOTION: Feyen moved, seconded by Maxson, to include gender identity and sexual orientation under section 014.02C. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma, (8). Voting nay: None (0). Absent: None (0). Motion carried.

014.02(G) Referrals – There was a discussion relating to removing the directory and also giving the client a minimum number of possible referrals. Feyen and Ruma volunteered to look at the model practice acts and come up with some draft language. The draft will be sent to Chiles to be forwarded to the members for further discussion at the next meeting.

012 Continuing Competency – Feyen suggested that credential holders who supervise practicum students be allowed to count 6 hours of continuing education towards renewal. It was suggested that the supervision also include provisional licensees.

MOTION: Feyen moved, seconded by Ruma, to include under 012 Continuing Competency that credential holders may earn six hours of continuing education within a biennial renewal period by supervising a practicum or internship student at the graduate or undergraduate level or a provisional licensee. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma, (8). Voting nay: None (0). Absent: None (0). Motion carried.

12:20 p.m. - Break
12:32 p.m. - Meeting resumed

002 Definitions, 13 Direct Client Contact – Feyen suggested that items 7-9 be removed which would allow multidisciplinary, clinical staffing to count as direct hours.

MOTION: Feyen moved, seconded by Gaughan, to recommend under 002 Definitions, item 13 Direct Client Contact, to remove items 7-9. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma, (8). Voting nay: None (0). Absent: None (0). Motion carried.

There was a discussion about the definition of client system and who was the client. Feyen agreed to draft language for 002.07 Client System. Maxson stated he would draft language defining a client.

12:45 p.m. - 2 public individuals departed the meeting

It was discussed there were more areas of the regulations to review. The members agreed to stay until 3:00 p.m. to work on regulations at the May meeting and possibly meet the night before the July meeting.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications and Reinstatements

Christine Swinney – PLMHP applicant

MOTION: Gaughan moved, seconded by Chambers, to recommend deferring the recommendation and request additional information. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: None (1). Motion carried.

Jeri Hinrichs – LMHP applicant

MOTION: Feyen moved, seconded by Ruma, to recommend denial based on not having work experience hours that have been signed off on by the supervisor. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

Patricia Reckley – CSW applicant

MOTION: Feyen moved, seconded by Moore, to recommend denial based on not having a degree in social work from an accredited program per 94-007. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

MOTION: Ruma moved, seconded by Gaughan, to enter into closed session at 12:52 p.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals and to review reinstatement from discipline applications. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gill, Gaughan, Maxson, Moore, Ruma (8). Voting nay: None (0). Absent: None (0). Motion carried.

12:52 p.m. - Lester departed meeting
1:02 p.m. - Ruma departed meeting
1:09 p.m. - Ruma entered meeting

MOTION: Gill moved, seconded by Chambers, to enter into open session at 1:25 p.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma, (8). Voting nay: None (0). Absent: None (0). Motion carried.

Angela Biga – LMHP, CPC Reinstatement from Discipline (Early Release from Probation)

MOTION: Gaughan moved, seconded by Chambers, to recommend denial of reinstatement (early release from probation) based on insufficient evidence to support early release. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore (7). Voting nay: None (0). Abstain: Ruma (1). Absent: (0). Motion carried.

Larry Wilson – LMHP, CPC Reinstatement from Discipline (Early Release from Probation)

MOTION: Maxson moved, seconded by Moore, to recommend denial of Larry Wilson's reinstatement from discipline (early release from probation) based upon his history of substance abuse, his current probation being effective for public protection, and insufficient new evidence for reason to change his current discipline. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore (7). Voting nay: Ruma (1). Abstain: None (0). Absent: (0). Motion carried.

1:25 p.m. - Hampton departed meeting
Lester entered meeting

Moved to agenda item 7.

7. NEW BUSINESS

a. Review and Approval of ASWB Examination(s) for CMSW

Feyen discussed that ASWB offered different examinations and recommended the Board determine what ASWB examination would be accepted for which level of licensure.

MOTION: Feyen moved, seconded by Moore, to recommend accepting the Clinical ASWB examination for the LMHP also seeking a certificate in social work and for the CSW only, accept the Advanced Generalist Examination. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (8). Voting nay: Ruma (1). Abstain: None (0). Absent: (0). Motion carried.

8. UPDATES AND REPORTS

a. AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health Committee

AASCB – There was no report.

AMFTRB – There was no report.

ASWB – Feyen reported she would be attending the spring meeting in April in Henderson, Nevada.

JBH – There was no report.

b. Disciplinary/Non-Disciplinary Report / Licensure Statistics / Administrative Penalty Fees Assessed

Chiles distributed the Disciplinary/Non-Disciplinary Report since January 6, 2017. She reported a Petition for Disciplinary Action was filed for Frank Bailey, LMHP/PCP, on 1-13-17. Also, there was a Non-disciplinary Assurance of Compliance for Mindy Hinton, LIMHP, on 1-21-17.

Chiles reported the following examination statistics since January 6, 2017:

ASWB-Clinical – 5 pass, 3 fail
NBCC-NCE – 6 pass
AMFTRB – 1pass

Chiles distributed the following active license/certificate statistics:

LIMHP	1501
MFT	84
MSW	845
CMSW	28
LMHP	2472
CPC	879
PMSW	229
PMHP	1003
SW	546
Supr. MFT	15

Chiles reported on the following legislative bills:

LB 36 – Provides for review of regulations pertaining to occupational credentials in 2018 and every 5 years thereafter and requires a critical assessment document.

LB 88 – Allows for temporary licenses for military spouses who meet certain requirements and the temporary license would be effective for up to one year.

LB 107 – A health professional commits the offense of sexual abuse of a patient or client if such health professional subjects a patient or client who is at least 16 years of age but less than 19 years of age to sexual penetration or sexual contact.

LB 173 – Nebraska Fair Employment Practice Act which proposes to prohibit discrimination based upon sexual orientation and gender identity.

LB 299 – Creates as Occupational Board to oversee regulations. Also allows an individual to petition a licensing board to make a decision regarding their convictions prior to making application for a license.

LB 344 – Combines mental health and substance abuse facilities under one license, allows a person to apply for a provisional mental health license prior to having a supervisor, allows for equivalent to a master's degree, eliminates that the work experience for mental health practice must be earned within 5 years of the application, and eliminates the specific time period for acquiring work experience for LIMHP.

9. ADJOURNMENT

Battleson adjourned the meeting of the Board of Mental Health Practice at 1:50 p.m.

Respectfully Submitted,

Sarita Ruma, Secretary
Board of Mental Health Practice

Next Meeting: May 12, 2017

Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit